

TOWN OF AMHERST

Personnel Procedures Manual

With Changes through January 1, 2006

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TITLE AND LEGAL AUTHORITY

This manual shall be known and cited as the "Personnel Procedures Manual".

The policies and procedures outlined in this Personnel Procedures Manual are subject to change without notice provided that the changes are made in accordance with federal and state laws and town by-laws. The Town of Amherst reserves the right to lay off any employee whenever such action becomes necessary by reason of shortage of funds, lack of work, and the abolition of a position, a material change in duties or organization or for any other appropriate reasons. This Personnel Procedures Manual is a guide only, and it is not the intent of the town to grant any employee any contractual commitment, expressed or implied, by its adoption. The employment relationship between the employee and the town is at will and may be terminated by either party at any time.

The Personnel Board and the Town Manager are responsible for the personnel function of the Town of Amherst. They are jointly responsible for specific functions, and individually responsible for others. This Personnel Procedures Manual is jointly established by the Personnel Board and the Town Manager pursuant to the following laws.

Chapter 216 of the Acts of 2001 (Amherst Town Government Act) establishes the Town Manager as the Chief Administrative Officer and Personnel Officer to the Town. More specifically, the Act vests the Town Manager with the authority to appoint and remove all Town employees (except school and elected); and charges the Town Manager with the responsibility to administer all provisions of the Massachusetts General Laws and special laws as well as Town By-laws.

The Personnel By-law of the Town of Amherst is adopted pursuant to Section 108A of Chapter 41 of the Massachusetts General Laws which provides the Personnel Board with the authority to make policies and to issue rules and regulations necessary for the administration of the Personnel By-law.

COVERAGE

The policies and procedures contained in this manual apply to all employees of the Town of Amherst except elected officials, members of boards, committees, and commissions, the Town Manager and persons employed by the School Department.

The provisions of Chapter 31 of the General Laws relating to Civil Service and Chapter 150E relating to public employee collective bargaining prevail in any conflict with the provisions of this manual.

Where there is a conflict between a collective bargaining agreement and the Personnel Procedures Manual, the collective bargaining agreement shall take precedent.

Where there is a conflict between Personnel Procedures Manual and a departmental regulation, the Personnel Procedures Manual shall take precedent unless otherwise stipulated.

RESPONSIBILITIES

In addition to the general responsibilities outlined below, the Personnel Procedures Manual establishes responsibilities for specific policies, procedures, rules and regulations. These responsibilities are established under the appropriate sections.

Personnel Board

The Personnel Board has conclusive authority to interpret the Personnel By-law and to decide all questions relating to its application. The Personnel Board is responsible for the review and maintenance of the Personnel By-law. The Board recommends all Personnel By-law amendments to the Town Meeting for approval. The Personnel Board shall adopt policies and issue regulations deemed necessary for the administration of the Personnel By-law.

The Personnel Board shall constitute a Board of Appeals for grievances of Town employees who are not covered by a formal collective bargaining agreement. The appeals procedure is outlined in the Grievance Procedure contained in this manual.

Town Manager

The Town Manager, or his/her designee, is responsible for the day to day administration of the Personnel By-law. The Town Manager shall review the Personnel By-law periodically and make recommendations to the Personnel Board for amendments.

The Town Manager is responsible for Equal Employment Opportunity and Affirmative Action as defined in the Personnel Procedures Manual. The Town Manager is the Collective Bargaining Agent for the Town and as such is solely responsible for Collective Bargaining.

The Town Manager, or his/her designee, is responsible for the establishment, review and maintenance of the Personnel Procedures Manual.

Human Resources Director

The Human Resources Director provides for the day to day administration of the Personnel System.

Affirmative Action Officer

The Town Manager shall designate an employee to serve as the Affirmative Action Officer for the Town. Such employee shall report directly to the Town Manager.

Department Heads

Department Heads of the various Town departments shall review and be familiar with the Personnel Procedures Manual. Department heads shall administer their department or agencies in accordance with the Personnel Procedures Manual including the establishment of employee conduct and work rules which are consistent with the Personnel Procedures Manual.

Department Heads shall ensure that the Town is in compliance with the Town's Equal Employment Opportunity and Affirmative Action policies.

Department Heads may recommend revisions to the Personnel Procedures Manual to the Town Manager.

Town Employees

All Town employees have the responsibility to familiarize themselves with the relevant sections of the Personnel Procedures Manual and shall comply with the provisions of this manual. All Town employees shall share joint responsibility with their supervisors for adherence to the Town's Equal Employment Opportunity and Affirmative Action policies.

DEFINITIONS

The following words and phrases, wherever used in this Personnel Procedures Manual shall be defined as indicated below unless the context clearly requires otherwise:

Anniversary Date

An employee's anniversary date is the date on which he or she will be considered for a salary increase.

The anniversary date is generally one year after the date of employment and annually thereafter. However, employees hired prior to 1986 will have anniversary dates based on employment factors such as promotion or reclassification or stipulations from collective bargaining agreements. An employee who has been on authorized leave of absence for more than 30 days shall have his or her anniversary date delayed by the number of days between employment. An employee who is re-employed after terminating employment for a period more than 30 days shall have his or her anniversary date delayed by the number of days between employment.

Appointing Authority

The Town Manager is the appointing authority for all classified positions; in the Town Manager's absence, the designated

Acting Town Manager is the appointing authority. Classified positions in the Department of Library Services are filled by the Library Director, with the approval of the Library Board of Trustees.

Appointment

The placement of a person in a position in the classified service of the Town. Appointments shall be of the following types: emergency, permanent, and temporary. Appointments may be accomplished through personnel actions of transfer, promotion, demotion, or re-employment, as well as initial appointment.

Authorized Position

Any position as established in the classified service of the Town. Positions may be established as permanent or temporary, as follows:

Full-time Position/with Benefits

An employee in this category works a regular schedule of at least 37.5 hours on a continuing basis. The employee receives all benefits and rights.

Part-time Position/with Benefits

An employee in this category works at least 20 hours per week (yearly average) but less than 37.5 hours for 52 weeks. The employee in this category receives benefits prorated according to the average hours worked per week and all rights accorded to employees.

Part-time Position/Without Benefits

An employee in this category is employed for fewer than 52 weeks per year or fewer than 20 hours per week. The employee in this category receives no benefits.

Temporary Position/With Benefits

An employee in this category who is in a temporary position that is expected to last 52 weeks or more and who works at least 20 hours per week (average) shall receive benefits equal to those received by employees in full-time positions, w/benefits or part-time positions w/benefits. This position classification is primarily designed for the hiring of temporary replacements for employees on extended leave or when a position is created for a specific project, or non-renewing grant. In the event a grant is renewed with additional funding, the temporary position would become permanent provided the renewal includes sufficient funds to compensate the employee for at least 20 hours per week.

Class

A group of positions in the classified service with similar duties, responsibilities and authority.

Classification Plan

An orderly arrangement of positions into separate and distinct classes with each class containing those positions which involve similar duties and responsibilities.

Collective Bargaining Agreement

An agreement between the Town of Amherst, through its Town Manager, and a recognized employee union as defined and negotiated under Chapters 149 and 150 of the General Laws and Chapter 1078 of the Acts of 1973.

Compensatory Time Off

An authorized period of absence from work, with pay, approved by the Town Manager which serves as compensation for work in excess of the normal work week.

Demotion

The movement of an employee from a position in one class to a position in a class having a salary range with a lower maximum rate of pay.

Department

An operating unit of Town government funded through one or more budget categories and under the supervision of a single individual appointed by the Town Manager, or in the case of the Department of Library Services (Jones Library), the Library Trustees.

Department Head

The employee responsible for the administration and operation of a Town department, who reports directly to the Town Manager, Director of Administration and Finance, Director of Community Services, or, in the case of the Director of Library Services (Jones Library), to the Library Trustees.

Dismissal

An action involving an employee being removed for cause from the service of the Town.

Immediate Family

Includes employee's spouse, children, stepchildren, grandchildren, parents, grandparents, step-parents, brothers and sisters, mother-in-law, father-in-law, and other actual members of the employee's household.

Grievance

Any action focusing on a disagreement between the Town and its employees relating to the application or interpretation of the Personnel By-law or the Personnel Procedures Manual.

Layoff

The removal of an employee because of lack of work, failure of financial appropriation, or other causes which do not relate to the performance of the employee. Layoffs shall be converted to termination if the employee is not called back within two years.

Minimum Qualifications

The level of qualifications an applicant must possess in order to be eligible for a position. Such qualifications shall be stated in the job description and included in advertisement of position openings.

Pay Range

The dollar amount between minimum and maximum in any pay grade.

Pay Step

A rate of pay within a pay range established for a class. From the minimum to the maximum pay rate of a class, there may be several pay steps.

Personal Leave Days

An authorized period of absence from work, with pay, approved by the department head to enable an employee to take care of personal business.

Probationary Period

Each new employee appointed to a classified permanent position shall be required to complete successfully a six (6) month probationary period.

Promotion

The movement of an employee from a position in one class to a position in another class having a salary range with a higher maximum rate of pay.

Release Time

An authorized absence during regular working hours for which an employee receives his/her regular rate of compensation.

Seniority

An employee's length of continuous service with the Town since his or her date of hire with no break in service. Once an employee attains permanent status, his/her seniority shall continue provided the employee has continuous service. An employee on unpaid leave of absence or lay off will not be granted seniority credit for the term of the leave or the lay off but shall be entitled to past accumulation upon return to work. An employee's seniority shall be terminated by voluntary resignation, discharge for just cause, retirement, and expiration of the recall period. Seniority lists shall be maintained for benefited employees and non-benefited employees, and for benefited and non-benefited employees appointed to the Library Services. An employee may appear on more than one seniority list and have more than one seniority date provided there is continuous service but may not exercise bumping rights across seniority lists.

Standard Hours

The minimum number of hours an employee is expected to work each, and every week. A benefited employee must charge leave time when actual hours worked are less than the employee's standard hours. Standard hours will be used to calculate prorated benefits for benefited employees who work less than full time.

Termination

An employee leaving the service of the Town in good standing. An employee whose employment is terminated for a period exceeding ninety days and who is subsequently re-employed shall be considered a new employee for the purposes of calculating benefits and seniority.

Town

The Town of Amherst.

Town Manager

The individual appointed by the Board of Selectmen under Chapter 11 of the Acts of 1951.

Transfer

The movement of an employee from one position or department to another position or department within the Town organization.

MAINTENANCE

The Human Resources Director shall periodically review the Personnel Procedures Manual with the Personnel Board. The Human Resources Director will communicate any changes to all Town employees.

Personnel Records - The Human Resources Director, or his/her designee, shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the Human

Resources Director.

The Human Resources Director shall maintain an individual personnel file for each employee which may include, but not be limited to, the following:

- Personnel Action Form, completed and signed by the department head;
- a copy of background investigation reports; and
- a report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

In a separate and distinct file, the Human Resources Director shall maintain a copy of any required physical or psychological examination reports and any medical reports.

Any employee may upon request to the employee's appointing authority have access to review their personnel file. The employee's review of their employment record shall be in the presence of an authorized management employee. No information shall be released from an employee's file unless written authorization is received from the employee.

EQUAL EMPLOYMENT OPPORTUNITY

The Town of Amherst established a Human Rights Commission (formerly the Citizens' Review Commission) in 1970 to assure that the benefits of equal opportunity and equal protection of the laws be extended to all persons. In 1972, the federal government enacted the Equal Employment Opportunity Act (EEOA) to govern the actions of municipalities in the areas of civil rights. The intent of this act is identical with the Town's policy. The Equal Employment Opportunity policy of the Town is:

It shall be the policy of the Town of Amherst to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, advancement, compensation, and general working conditions without regard to age, race, creed, color, sex, national origin, sexual preference, or physical condition.

The Equal Employment Opportunity Policy of the Town is to actively seek the goals of this policy, and not to passively react to any possible violations. The Town Manager is responsible for ensuring that all provisions of the EEOA are complied with. The Town Manager shall inform department heads, chairpersons, and employees of actions they should take in order to comply with the EEOA and to implement its goals. All department heads, chairpersons and employees are expected to cooperate fully in complying with and implementing the EEOA.

The Town Manager shall designate a Human Rights Director to oversee the day to day responsibilities of administering the provisions of the EEOA and the Affirmative Action Plan.

The Town Manager is the Equal Employment Opportunity representative of the Town. Any employee may meet with the Town Manager to discuss an EEO matter. Requests should be channeled through the appropriate department head or committee chairperson, but may not be denied or delayed by them.

Formal Equal Employment Opportunity grievances are to be pursued in accordance with the following Grievance Procedure:

If you feel you have been discriminated against by any Town department in employment or in receipt of services, here are the steps you take:

STEP 1 You must file a complaint form with the Town Manager or the Human Rights Director within 30 days of the alleged discrimination.

- STEP 2 Town Clerk will forward a copy of your complaint form to the Town Manager's Office. The Town Manager or Human Rights Director will review and investigate your complaint and render a decision on it within ten (10) working days from the receipt of the complaint.
- STEP 3 If you are not satisfied with the decision of the Town Manager or Human Rights Director or designee, you should direct the Town Clerk's Office within five (5) working days to forward the complaint form to the Human Rights Commission.
- STEP 4 The Human Rights Commission within ten (10) working days from the receipt of the complaint form will set a hearing to review the alleged discrimination.
- STEP 5 The Human Rights Commission within ten (10) working days from the hearing will render a report to you, the Town Manager, and Board of Selectmen on their findings.
- STEP 6 If you are not satisfied with the decision of the Human Rights Commission, you may pursue your case with the Mass. Commission Against Discrimination, Mass. Attorney General, or other state and federal agencies which may resolve the dispute.

Please refer to the Human Rights Commission Policy for additional information.

RECRUITMENT, SELECTION, AND PROMOTION

It is the policy of the Town of Amherst to fill all vacancies in compliance with the Town's Affirmative Action Plan and the Hiring Guide.

The Human Resources Office shall advertise and recruit for all positions as prescribed by the Affirmative Action Plan and the Hiring Guide. The Human Resources Office shall be notified immediately when a vacancy occurs within a department.

A Personnel Action Form shall be completed by the department head and forwarded to the Human Resources Office along with the letter of resignation or, in the case of dismissal, supporting documentation for the dismissal.

When requesting to fill a vacant position, the Department Head shall include an updated position description for the vacancy.

It shall be the policy of the Town of Amherst to encourage promotion and transfer of current employees with regard to the filling of permanent position vacancies. All permanent position vacancies shall be advertised internally pursuant to the Hiring Guide prior to being advertised to the general public.

All employees on lay off status and subject to recall shall receive notices of permanent position vacancies and shall be given first consideration for vacant positions provided the laid off employee is qualified for the vacant position.

Permanent full time and part time employees will be eligible to apply for all posted vacancies prior to the position being advertised outside the organization. Those employees occupying temporary (with benefits) positions as defined in **APPOINTMENTS** would be eligible for consideration, along with permanent employees, to permanent appointment in the position should the position be posted as a permanent position.

Those employees occupying temporary or part-time [without benefits] positions will be eligible to apply for posted promotional opportunities should no permanent employee apply for the vacant position prior to the position being advertised outside the organization. In order to be considered with the internal applicants, a temporary or part-time

[without benefits] employee must have been employed by the Town for a minimum of one year.

To facilitate the recruiting process, employees in this category shall apply at the same time as permanent employees but the disposition of their application shall not be acted upon until after permanent employees have been considered.

Employees not selected for appointment prior to the position being advertised outside the organization may remain in the applicant pool to be considered with applications received through the advertisement of the position.

A pool of applications shall be maintained in the Human Resources Office for part-time [without benefits] positions. Applications will be made available to departments upon written notification to the Human Resources Office that a vacancy exists.

All applications for employment with the Town of Amherst are to be sent to the Human Resources Office. Applications received by departments shall be forwarded to the Human Resources Office. Any application not processed through the Human Resources Office is not eligible for consideration with regard to employment for positions in the employ of the Town. The Human Resources Office shall transmit applications to the appropriate department head the first working day after the close of applications and after its formal review of interview questions for the position.

APPOINTMENTS

As provided by the Town Manager Act of 1951, the Town Manager is the appointing authority for all classified positions, except that classified positions in the Department of Library Services shall be filled by the Library Director, with the approval of the Library Board of Trustees. All appointments, with the exception of emergency appointments, shall be governed by the procedures outlined in this manual.

Each Department Head shall have responsibility and authority for selecting and recommending for hire employees within their department. All recommendations for employment to the Town Manager must be submitted to the Human Resources Office and accompanied by the following information:

- Personnel Action Form, completed and signed by the department head;
- Immigration Forms, including proper identification and authorization to work in the United States.
- The candidate's application form and, if applicable, resume and references;
- Applications of other candidates interviewed for the position as well as Applicant Interview Rating forms (contained in the Hiring Guide) for all applicants interviewed.

No person will be hired or compensated for his/her services until the department head has received approval for the hiring from the Town Manager. This approval shall be in the form of a Personnel Action Form signed by the Town Manager, or in his/her absence, the designated Acting Town Manager. Department Heads should use care and caution in not permitting an individual to begin to work before the paperwork has been submitted and approved.

An applicant, who accepts an appointment and fails to report to work within five (5) days after the date set by the Town, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

Appointments shall be permanent, temporary, part-time [without benefits], or emergency.

Permanent Appointment

All classified positions shall be considered permanent appointments upon the satisfactory completion of the probationary period.

Temporary [with benefits]

All classified positions shall be considered temporary when the appointment is made as a replacement of a permanent

employee on leave of absence or when a position is created for a specific project, or non-renewing grant. Employees in this category shall be entitled to benefits providing the position is funded for at least 20 hours per week. Employees in this category have no rights to seniority status except as defined below:

Provided the recruitment process for the temporary position is consistent with **Recruitment and Selection** procedures contained in this manual, the employee in the temporary position would be granted seniority status to the original date of hire should the position become permanent. When the Town Manager transfers a permanent employee to a temporary position, the employee retains all rights to seniority.

In the event a grant is renewed with additional funding, the temporary position would become permanent provided the renewal includes sufficient funds to compensate the employee for at least 20 hours per week.

Part-time [without benefits]

All positions designated as Part-time [without benefits] shall be considered part-time. Employees in this classification are not eligible for benefits.

Emergency

Emergency appointments shall be made only to prevent stoppage of public business, or a public hazard, or serious inconvenience to the public. Emergency appointments shall be for a maximum of three months. For the purposes of emergency appointments, Equal Employment Opportunity, Affirmative Action and the Recruitment and Selection procedures may be waived.

PROBATIONARY PERIOD

The probationary period shall be utilized to observe an employee's work habits, abilities, attitudes and other pertinent characteristics and to allow for an effective evaluation of a new employee. Each employee appointed to a classified position, with the exception of sworn members of the Police and Fire Departments shall be required to successfully complete the probationary period of six (6) months. Sworn members of the Police and Fire Department shall be required to successfully complete a probationary period of twelve (12) months. During the probationary period, the employee is eligible for fringe benefits as specified under Employee Benefits, Leave and Eligibility

A performance appraisal shall be completed for each employee prior to the end of the probationary period. An appraisal at three months will be completed.

Dismissal

At any time during the probationary period, an employee may be terminated if the employee is unable or unwilling to perform the duties of the position satisfactorily. The department head, in recommending dismissal to the Town Manager, must document the inability or unwillingness of the employee to perform the assigned duties. The dismissal of an employee must be approved by the Town Manager. Prior to dismissal the department head must notify the employee, in writing. This letter may be hand delivered by the department head or sent by certified mail, receipt requested. The letter of dismissal will be effective immediately.

Extension of Probation

The probationary period of an employee may be extended for up to six months if it is felt to be justified and would allow the employee to develop the ability to perform the duties of the position satisfactorily. Any extension of probation will be in writing and will document the deficiencies plus a plan for correction.

DISCIPLINARY ACTIONS

It is the policy of the Town to act with integrity and justice toward each employee, recognizing his/her individuality as a

human being and his/her right to fair, decent, and understanding supervision. Each employee is expected to comply with instructions, established policies, procedures, rules and regulations. The supervisor is responsible for the employee's personal conduct on the job and carries out all disciplinary action.

While not intended to be a complete and inclusive list, the following situations can result in disciplinary actions being taking by the Town toward an employee:

- Acts of insubordination toward a supervisor, department head or Town officials;
- Acts of sexual harassment;
- Disclosure of confidential information;
- Disobedience of federal, state, or town laws;
- Disobedience of Town policies or departmental rules and regulations;
- Falsification of time sheets;
- Fraud in securing appointment;
- Frequent and habitual tardiness and/or absenteeism from duty;
- Gross negligence or willful neglect of duty;
- Poor performance.
- Unauthorized absences without leave;
- Use of alcoholic beverages or illegal drugs while on duty or reporting for duty under the influence of alcoholic beverages or illegal drugs;
- Willful neglect, misuse, misappropriation, destruction, or theft of Town property, materials or equipment;
- Bullying and/or any form of violence.

Whenever employee performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance. The following types of discipline are available and are usually accomplished in the manner and order indicated: reprimand, warning, suspension, reduction in pay, demotion, and dismissal. All disciplinary actions are covered by the grievance procedure.

Oral Reprimand Conference

It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who break a rule are not problem employees unless they are habitual offenders. An oral reprimand conference is the first (and often the only) step in the disciplinary procedure. In this conference, the supervisor tries to reach an understanding of the causes of the offense and to impress upon the employee the need for corrective action. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. No written record of oral reprimands is kept in the employee's personnel file.

Written Reprimand

Should an oral reprimand fail to result in improved behavior, a written reprimand may be necessary. A written reprimand will specify the nature of the employee's offense, the efforts made previously to correct the problem, and a warning to the employee that future disciplinary actions may be taken if the matter is not corrected. A copy of the written reprimand shall be sent to the employee and to the Human Resources Office for the employee's personnel file. After a period of twelve months, the reprimand will be removed from the employee's file if his/her performance and conduct have been satisfactory during that time. The employee may write a letter which responds to the reprimand and send it to the Human Resources Office. Such letter shall be placed in the employee's personnel file.

Any time it is necessary for an employee to receive a written reprimand, a copy of the Employee Assistance Program (EAP) brochure shall be given to the employee with the written reprimand.

Suspension

With the approval of the Town Manager, a department head will, for cause, suspend an employee without pay for an offense. Suspension of an employee may be effective immediately. The notice of suspension shall be in writing and shall state the grounds for the suspension and its duration. A copy of the notice shall be sent to the Human Resources Office. The employee may respond in writing if he or she wishes; a copy of the employee's letter shall be forwarded by the recipient to the Human Resources Office. Such letter shall be placed in the employee's personnel file.

The Town reserves the right to conduct an internal investigation with regard to the offense to determine whether the nature of the offense makes it inappropriate for the individual to continue in the employ of the town. During this period of suspension, the employee may be considered on a leave with or without pay status.

Within one (1) working day after the suspension, the employee shall be given written notice stating the specific reason(s) for the suspension. The employee shall also be informed of his/her right of appeal through the grievance procedure as stated in this manual. A copy of the written notice to the employee shall be placed in his/her central personnel file.

Reduction in Pay

As a disciplinary measure, the department head may, with the approval of the Town Manager, reduce the pay of an employee to a lower step in the pay range for his/her position. If this action is taken, a written notice shall be sent to the employee stating the grounds for the action, the nature of the reduction, and the estimated date when the employee may hope for reinstatement to the former pay step. A copy of the notice shall be sent to the Human Resources Office along with a Personnel Transaction form.

Demotion for Cause

When the employee's ability is impaired to the extent he/she is unable to perform his/her assigned duties, but not hampered to the extent he/she is able to work at lower paid related duties, a department head may demote the individual after consultation with the Town Manager. As in other disciplinary action, the grounds shall be stated in a letter to the affected employee. A copy shall be forwarded to the Human Resources Office along with a Personnel Transaction form.

Dismissal

Dismissal is the most severe and permanent form of disciplinary action and, as such, should be exercised with care and considerable prior thought. Any department head who proposes to dismiss a permanent employee shall consult in detail with the Town Manager prior to taking any action. Once it is decided to dismiss an employee, the department head shall send the affected employee a letter that states the grounds for the action and the employee's appeal rights. This letter may be hand delivered by the department head or sent by certified mail, receipt requested. The letter of dismissal shall be effective immediately.

Within one (1) working day after the dismissal, the employee shall be given written notice stating the specific reason(s) for the dismissal. The employee shall also be informed of his/her right of appeal through the grievance procedure as stated in this manual. A copy of the written notice to the employee shall be placed in his/her central personnel file.

Dismissal is automatic when an employee is absent for five consecutive working days without notifying his/her department head. In unusual cases in which the employee could not have contacted a representative of the Town, reinstatement may be arranged with the Town Manager.

In situations where an employee has committed a violation of Town policies as defined under **EMPLOYEE CONDUCT** or a violation of Federal, State or local laws, dismissal of the employee may be warranted. The Town reserves the right to conduct an internal investigation with regard to the offense to determine whether the nature of the offense makes it inappropriate for the individual to continue in the employ of the town.

GRIEVANCE PROCEDURE

It is the policy of the Town of Amherst to provide an effective and acceptable means for employees to bring problems and

complaints concerning their well being at work to the attention of their supervisors. Therefore, a grievance procedure is established for the benefit and use of those employees not covered by collective bargaining agreements. When an employee feels aggrieved, he or she shall be allowed to follow all the steps of the grievance procedure with freedom from reprisal. However, this procedure does not confer the right upon anyone to make slanderous or libelous statements, or to take any other actions otherwise prohibited by law.

Definition

A grievance shall be any action focusing on a disagreement between the Town and its employees relating to the application or interpretation of the Personnel By-law or the Personnel Procedures Manual.

Grievable Complaints

Complaints by an employee relating to his/her employment which include, but are not necessarily limited to, the following:

- Disciplinary actions of any kind;
- Actions resulting from the Annual Review;
- Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules and regulations;
- Acts of reprisal as the result of utilization of the grievance procedure;
- Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, handicap or political affiliation. Sexual harassment is considered a form of sexual discrimination; and
- Complaints of personal harassment by supervisory personnel.

Nongrievable Complaints

Complaints shall be nongrievable where they involve the following:

- The creation, establishment or revision of wage and salary tables, position classifications, and general benefits accorded to employees;
- Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be a part of the job content;
- The contents of statutes or established personnel policies, procedures, rules and regulations;
- Failure to promote, allowing an employee to bump, or to fill a vacancy through recall, except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- The methods, means, scheduling, and staffing by which work activities are to be carried out;
- Position classification, other than through the procedure outlined in Section 19 of this manual.
- Discharge, demotion, layoff or suspension from duties because of lack of work, reduction in the work force or job abolition; or
- Resignation, employee requested demotion or transfer.

Determination of Grievability

In the event that either the employee, immediate supervisor, or the department raises a question as to whether the grievance deals with a matter properly within the scope of this grievance procedure, the matter shall be referred to the Town Manager or his/her designee, who shall render an opinion within five (5) working days. Should the determination of grievability ruling continue to be disputed by the parties, the matter shall be referred to the Personnel Board for a decision. The decision of the Personnel Board shall be binding on all parties.

Time Limitations

Because the facts surrounding the grievance must be recreated in a grievance hearing, it is necessary to adhere to the time limitations set forth. If a grievance is not presented within the time limits, it shall be considered waived. If a grievance is not appealed to the next step within the time limits set forth above or a mutually agreed upon extension has not been reached, it shall be considered settled on the basis of the Town's last response. Agreed upon extensions of time limits shall be documented in writing.

Grievance Steps

STEP 1 The Town wants to resolve conflicts in an amicable fashion and as such encourages the use of Step 1 on an informal basis to resolve conflicts or disputes.

An employee who believes he/she has a grievance shall present it verbally or in writing to his/her immediate supervisor within ten (10) working days after the occurrence which prompts the grievance. It is the responsibility of the employee to indicate to the supervisor that he/she considers the discussion a grievance in order for the complaint to proceed as a grievance and be governed by the following time limitations.

The supervisor shall give serious attention to the grievance, and must give the employee an answer within five (5) working days. If the reply of the immediate supervisor does not resolve the grievance, or if there is no reply within five (5) working days and there is another supervisory level below the department head, the employee shall talk to his/her supervisor's superior about the matter within five (5) working days. If the answer at this level does not clear up the dispute, or if there is no reply within five (5) working days, the employee may follow Step 2.

When the grievance is the result of action taken by the department head, as the employee's immediate supervisor, the grievant may begin at Step 2 of the grievance procedure without having completed Step 1.

STEP 2 The grievant shall send a written statement of the grievance to the department head within five (5) working days after the completion of Step 1. Such statement shall be submitted on the Grievance Form which is available in each department or may be obtained by the employee from the Town Manager's Office or the Human Resources Department. This statement must include the condition or practice which is grieved, what attempts have been made to resolve the issue and what solution is asked. Any or all parties who were involved in Step 1 may be invited by the department head to discuss the facts. The grievant may invite an individual of his/her choice to participate as an advisor or representative. A written reply by the department head shall be given to the grievant within five (5) working days.

STEP 3 If the response at the department head level does not resolve the grievance, the grievant may request, in writing to the Town Manager within five (5) working days after completion of Step 2, a review of the situation and resolution of the grievance. The department head shall provide the Town Manager a copy of the grievance statement and the department head's written reply. The Town Manager shall schedule a hearing of the grievance within ten (10) working days and shall provide the grievant with a response within five (5) working days of the hearing.

STEP 4 If Step 3 fails to resolve the grievance the grievant may, within five (5) working days after completion of Step 3, request in writing, addressed to the Town Manager, investigation by the Personnel Board. The Personnel Board shall be notified of the request for such investigation and shall set a schedule for resolution of the grievance within ten (10) working days.

The Board shall determine its own procedures for conduct of the investigation provided it shall afford full and equal opportunity to all parties and witnesses for presentation of any matter or relevant proof. The Board has the responsibility to interpret the application of policies and procedures in the case; it does not have the authority to formulate or change policies or procedures.

Should the Personnel Board decide a hearing is necessary, the hearing shall be held in a timely manner and as soon as practicable. The grievant may have present at the hearing a representative or legal counsel at the employee's own expense. The Board shall conduct a hearing into all matters which bear upon the grievance.

The decision of the Personnel Board shall be made in writing and issued to the grievant or his/her representative, his/her department head, and the Town Manager. The decision of the Board shall be final and binding.

STEP 5 All documents relating to the grievance and its disposition shall be place in the employee's permanent file.

Exclusions

Nothing in this procedure is intended to circumscribe or modify the existing rights of the Town to do the following, provided that none of these rights may be exercised in an arbitrary or capricious manner:

- Direct the work of its employees;
- Hire, promote, transfer nonpunitively, assign and retain employees in positions within the department;
- Demote or dismiss employees for proper cause;
- Maintain the efficiency of governmental operations;
- Relieve employees from duties because of lack of work or for other legitimate reasons;
- Take actions as may be necessary to carry out the duties of an agency in emergencies;
- Determine the methods, means and staffing by which operations are to be carried on; and
- Assign job classifications to pay ranges.

Employees with probationary, temporary and part-time without benefits appointments are not deemed to have vested employment rights, and may not use the grievance procedure to appeal suspension, demotions, dismissals or other disciplinary actions or decisions regarding the continuation of their employment status unless the employee can substantiate such actions were discriminatory on the basis of race, color, creed, national origin, sex, age, handicap veteran's status, sexual orientation, whistle blowing, or political affiliation.

The procedure for processing a grievance concerning the suspension or dismissal of an employee shall commence with Step 3 with the employee grieving the suspension or dismissal to the Town Manager within five (5) working days of the receipt of notice of suspension or dismissal.

EMPLOYEE CONDUCT

Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner which credits the town, public officials and fellow employees. Town employees are prohibited from engaging in any conduct which could reflect unfavorably upon the town service. Town employees must avoid any action which might result in, or create the impression of using public office for private gain or giving preferential treatment to any person. All employees of the Town of Amherst shall adhere to the following rules of conduct.

Gifts and Gratuities

An employee, either individually or as a member of a group, may not directly or indirectly, ask, accept or receive any gift or favor which might reasonably be interpreted as tending in any degree to influence the performance of his/her duties. Compliance is extremely important in protecting the employee and the Town from public embarrassment and criticism. (See Conflict of Interest Statement)

Prohibition of Certain Political Activities

It is the policy of the Town to appoint all employees without regard to political consideration. However, Town employees are restricted in their participation in certain political activities by Massachusetts General Laws, Chapter 55, Section 13

Town employees are prohibited from directly, or indirectly, soliciting or receiving any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for any political candidate or any political purpose whatever. However, employees may be members of political committees which solicit contributions. Effectively, employees may not ask for contributions on behalf of a political candidate or committee, agree to sponsor the use of his or her name on an invitation to a fundraising event or on a fundraising request, host or sponsor a political fundraising event, or distribute or sell tickets for a political fundraising event.

No person may solicit or receive contributions in any Town buildings. Employees of the Town may not solicit or receive contributions on town property at any time, whether during working hours or not. This prohibition includes the soliciting or receiving of contributions on the employee's own behalf.

Town employees may not participate in partisan political activities during their usual working hours. In addition,

employees are prohibited from using the facilities or property i.e., offices, telephones, copy machines, etc.) of the Town for any partisan political purposes. Partisan political activity is defined to mean canvassing voters, soliciting votes, distributing campaign literature and similar activity conducted on behalf of, or in opposition to, a candidate for public office or public question scheduled to be voted upon at an election or referendum.

Nothing in this section shall be construed to prevent Town employees from becoming, or continuing to be, members of any political party, club or organization; attending political meetings; expressing their views in private on partisan political matters outside of working hours and off Town premises; or voting with complete freedom in any election.

Employees of the Town are in no way prohibited from campaigning for and being elected as Town Meeting Members.

Drug/Alcohol Free Workplace

It is the intent and obligation of the Town to provide a drug-free/alcohol-free, healthy, safe, and secure work environment for all employees. No employee shall report to work under the influence of alcohol or illegal drugs. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or the use of alcohol, on Town premises, or while on Town business is absolutely prohibited. If it is determined that there are violations of this policy, appropriate disciplinary action will be in accordance with Section 10 of the Personnel Procedures Manual and/or the appropriate collective bargaining agreement.

Drug and alcohol dependency is recognized by the Town as an illness and major health problem. The Town also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program and the health insurance plans, as appropriate. All contacts are confidential and conscientious efforts to seek help with drug and alcohol dependency will not jeopardize an employee's job.

As required by federal law, employees directly engaged in the performance of work pursuant to the provisions of a federal grant or contract must, as a condition of employment, abide by the terms of the above policy and must report any conviction under a criminal drug statute for violations of this policy to the Human Resources Department within five (5) days after the conviction. The Town must then notify the contracting agency within ten (10) days after receiving notice of conviction as required by the Drug-Free Workplace Act of 1988.

Outside Employment

Any employee seeking outside employment in addition to their employment with the Town shall adhere to the State laws governing conflict of interest. (See Conflict of Interest Statement)

Transportation and Travel

The Town may provide vehicles or compensation for employees whose work requires extensive and frequent travel. Town vehicles are maintained and operated at Town expense and shall not be used for personal needs or convenience.

When employees are required to travel in the performance of their duties, they will receive expenses for transportation, meals and lodging. Any such travel must first be authorized by the employee's department head with the approval of the Town Manager.

Conflict of Interest

Employees of the Town of Amherst must comply with Massachusetts General Laws, Chapter 268A, Section 17-23, Conduct of Public Employees. The law prohibits a variety of acts including bribery; receiving gifts or compensation other than official Town compensation for any matter in which the Town has a substantial interest; and participating in a matter involving the Town in which one's business associates, or one's relatives have a financial interest. In effect, these regulations prohibit Town employees from having an interest in any business which has dealings with an agency of the

Town.

Statement of Interest

When there is a question of whether there may be a conflict, an employee has the right to request a legal opinion from Town Counsel for resolution of whether a conflict of interest exists. An employee must file a Statement of Interest and request a legal opinion on whether the interest is "not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee". Both the statement and request for legal opinion must be filed with the Town Manager who shall obtain a legal opinion from Town Counsel. The legal opinion of Town Counsel shall constitute resolution of the question of conflict and shall be filed in writing with the Town Clerk; such opinion shall be a matter of public record.

SEXUAL HARASSMENT

It is the policy of the Town of Amherst that no employee of the Town may sexually harass another. Sexual harassment is a form of sexual discrimination and as such is also a violation of federal and state laws

Sexual harassment is defined as unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Because of the moral and emotional complexities involved in most sexual harassment incidents, every effort should be made to resolve the complaint on an informal basis. The emphasis should be to provide relief from the harassment to the complainant and to sensitize the person at fault to the effects of such behavior.

Employees are encouraged to exercise their option to discuss sexual harassment complaints informally with their department head to see if an acceptable resolution can be achieved. When this approach is successful, no written records shall be kept of the incident.

When it is not acceptable to the employee to seek resolution through the department head or if resolution can not be achieved through that route, the employee may seek either formal or informal resolution through the Town Manager as the Affirmative Action Officer.

If resolution is reached on an informal basis, no written records will be kept of the incident.

When it becomes necessary for complaints to be pursued on a formal basis, the record(s) of the incident and of the appropriate disciplinary action(s) shall be kept for three years or until the complainant has left the supervision or authority of the party at fault and his/her department, whichever comes later, before they are destroyed. During that period, the record(s) of that incident shall be available only to the Affirmative Action Officer for the determination of an appropriate penalty where subsequent formal sexual harassment complaint(s) or claims of retaliation are pursued against the same person.

TRANSFERS

In certain situations, the needs of the Town may make it necessary to transfer an individual to another position or department. Under the Town Manager Act, the Town Manager has the authority to transfer employees from one position or department to another position or department.

An employee wishing to transfer to a vacant position must submit application to the Human Resources Office when the

notice of the vacancy has been posted for employees. A transfer requested by an employee will be made only for appropriate and valid reasons which serve the best interests or operational needs of the Town.

LAYOFFS

Whenever there is a lack of work or a lack of funds requiring a reduction in the number of employees in a department of the Town, the required reductions shall be made in such job classifications as the Town may designate.

For the purpose of determining to whom the layoff notice shall be directed, the use of working position titles, as approved by the Personnel Board and as indicated on the seniority list, shall be considered as specific job classes for the purpose of notice of layoff. Employees shall be laid off in the inverse order of their length of service with the Town. Employees so affected shall be given a minimum of two weeks notice.

Seniority shall mean an employee's length of continuous service with the Town since his or her date of hire, with no break in service. A seniority list, to be updated at least annually, shall be kept by the Human Resources Department. Employees covered by collective bargaining agreements shall not be included on the seniority list. The seniority list shall be on file and available upon request by a Town employee. An employee on a leave of absence or on layoff shall not accrue seniority credit during the time of the leave or the period of layoff.

A break in continuous service shall be when an employee voluntarily resigns, is discharged for just cause, retires, or the expiration of the recall period.

Determination of Qualifications

The determination of qualifications and ability will be made by the employer, subject to the terms of the Grievance Procedure with the grievance to begin with Step Three, only when the employee can show established policies or procedures were not followed or applied fairly. The employer shall make a determination of the applicant(s) qualifications within four weeks of the deadline for applications for the vacant position or notification by an employee of the intent to bump.

Filling of Vacancies

In the event a permanent employee is notified that he or she will be laid off and there exists a vacant position, upon timely application by the employee, town seniority shall prevail in permitting such an employee to fill the position provided the employee has the ability to perform the duties of the vacant position in a satisfactory manner with minimal training. Notice of all vacancies will be included with the notice of layoff.

Bumping

In the event a permanent employee is notified that he or she will be laid off and there exists a position in an equal or lower graded classification for which the employee possesses the minimum qualifications, town seniority shall prevail in permitting such an employee to bump the least senior individual in such classification. The employee has two (2) weeks from the time of receiving notification that he/she will be laid off to submit written notice to the Human Resources Department of his or her intent to bump from the Seniority List.

In the event a non-benefited employee is notified that he or she will be laid off and there exists a position in an equal or lower graded non-benefited classification, the duties of which the employee has the ability to perform in a competent manner with minimal training, town seniority shall prevail in permitting such an employee to bump the least senior non-benefited individual in such classification. The employee has two (2) weeks from the time of receiving notification that he/she will be laid off to submit written notice to the Human Resources Department of his or her intent to bump from the Seniority List.

An employee filling a position through the Bumping Procedure will receive a salary in his or her new position at the same step as the employee is in at the time of initiating the Bumping Procedure except when an employee is bumping into a job class he/she formerly held. In such case, the employee shall not be placed in a lower step than the step he/she formerly held in that job class.

A permanent employee who has been transferred to a temporary position pursuant to Section 14 shall retain rights to seniority and bumping at the level of the permanent position from which he/she was transferred.

In the event an employee receives a negative determination of qualifications after initiating the Bumping Procedure, including the Grievance Procedure, the employee has the right to re-initiate the Bumping Procedure for other positions for which he or she is qualified or can become qualified with minimal training.

Recall

Employees shall be recalled from layoff according to their seniority within the town, provided they have the ability to perform in a satisfactory manner, and with minimal training, the duties of the position to which they are recalled. The determination of ability will be made by the employer, subject to the terms of the Grievance Procedure (Section 11) with the grievance to begin with Step Three, only when the employee can show established policies or procedures were not followed or applied fairly.

Employees who are laid off shall be placed on a recall list for a period of two (2) years from their date of layoff during which time the employee shall retain all seniority rights. If an employee returns to work in any capacity within the two (2) years, the employee will retain the seniority status he or she had on the date of termination, but shall not receive credit for the time not employed by the Town.

All employees on the recall list shall be sent notification of a vacant position. Employees shall have fifteen (15) calendar days from the date the notice was mailed to notify the Human Resources Department in writing of his or her interest in filling the vacant position for which they have received notice. The notice of vacant position shall also be posted in Town Hall for a fifteen (15) day period.

It is the employee's obligation and responsibility to provide the Human Resources Department with his or her current mailing address. The employer shall notify all those responding as interested in the vacant position if they have not been chosen for that position.

If an employee is recalled to a position in a lower classification, he or she retains the right to return to the classification he or she previously held prior to being laid off in the event such a position becomes available. If an employee is recalled to a position in a lower classification, the employee shall have the right to refuse the recall without jeopardizing his or her opportunity to be considered to fill a vacancy in the classification which he or she held prior to being laid off.

Should an employee decline a recall notice for a position of the same classification which he or she held prior to being laid off, the employee will no longer be eligible for recall except as follows:

If the employee held a full-time position prior to being laid off and is recalled to a part-time position, he/she shall have the right to refuse the recall without jeopardizing his or her seniority on the recall list. If an employee held a full-time position prior to being laid off, and accepts a part-time position through the recall process, the employee shall remain on the recall list for a full-time position until the two (2) year recall period has elapsed.

If the employee held a part-time position prior to being laid off and is recalled to a full-time position, the employee shall have the right to refuse the recall without jeopardizing his or her seniority on the recall list.

RESIGNATION

To resign in good standing, an employee must give his/her department head written notice of resignation at least two weeks prior to his/her last day of work.

A written resignation shall be supplied by the employee to the department head stating the reason(s) for resignation. The resignation shall be forwarded to the Human Resources Office with a statement by the department head as to the employee's service performance.

An employee who is terminated in good standing shall be paid for his/her accrued, but unused, vacation leave, sick leave and compensatory time. The employee's resignation date may not be extended to use leave in excess of accrual limits nor may payment for accumulated leave shall not exceed the amounts or accrual limits as set forth in the Employee Benefits, Leaves and Eligibility section of this manual.

ANNUAL REVIEW

Maintaining and improving employee job satisfaction and effectiveness is an ongoing process. The dual focus of the annual review is on process and on a performance record. The review assures an open process in which both the supervisor and the employee participate. It also provides a record that informs and directs modifications of job descriptions, personnel actions, enrollment in training and professional development activities. The department head initiates the review process at least 15 working days prior to the employee's anniversary date. The employee and supervisor individually complete the annual review forms. After consultation, a jointly created review form will be completed and submitted to the Human Resources Office.

Each employee shall receive a written copy of his/her review and shall be entitled to discuss the review with his/her immediate supervisor. If disagreement exists between the employee and the immediate supervisor, the employee and supervisor shall discuss the review with the next higher level supervisor. An employee who is aggrieved by the actions taken in the annual review process may grieve those actions through the grievance process contained in ~~Section 11~~ of the Personnel Procedures Manual.

If a personnel action is being recommended through the annual review process, a Personnel Action form must be completed and submitted with the annual review form. No salary increases will be processed without the completion and submission of the annual review form to the Human Resources Office.

COLLECTIVE BARGAINING

The Town Manager or his/her designee is the collective bargaining agent for the Town. In accordance with Chapters 149 and 150 of the General Laws and Chapter 1078 of the Acts of 1973, an agreement must be reached between the Town, through its Town Manager, and an employee group prior to being recognized by the Town.

The Town presently recognizes the following collective bargaining groups:

- A.F.S.C.M.E. Council 93, Local 1725 (Public Works employees)
- Amherst Police League
- International Association of Firefighters, Local 1764
- S.E.I.U, Local 888 (N.A.G.E., Local R1-120)

Signed copies of Collective Bargaining Agreements shall be maintained in the Human Resources Office.

CLASSIFICATION PLAN

The classification of positions; the establishment of a compensation plan; and the periodic updating of classifications is the responsibility of the Personnel Board subject to the approval of the Select Board.

All employees of the Town, whether full-time or part-time, will be employed in positions classified according to the Town's Classification-Compensation Plan contained in this manual.

In addition to the above guidelines, comparison of the position with other positions within the organization will be made. The position will also be compared with similar positions in other communities with the goal of the classification being fair, equitable and competitive.

All requests for classification, or reclassification, shall be submitted by, or through, the department head to the Human

Resources Office for review. The request shall include a completed Position Description Survey form as well as any additional information the department wishes to have considered in the evaluation of the position. Employee initiated requests must be submitted to the Human Resources Office for consideration and shall be accompanied by a recommendation from the department head regarding the request.

Recommendation on the classification request shall be made to the Town Manager by the Human Resources Director. When the recommended classification is to an existing position classification in of the Personnel Procedures Manual, the Town Manager may approve the classification and notify the Personnel Board of such classification. The Human Resources Director shall notify the department head of the decision of the Town Manager regarding the classification request and, if a change in classification has been approved, the effective date of that change.

The department head or employee may appeal the position classification decision to the Town Manager. If the Town Manager's decision is not reversed, the department head may elect to appeal the Town Manager's decision to the Personnel Board. The decision of the Personnel Board shall be final.

The Town Manager shall recommend the classification of new positions to the Personnel Board. If the Personnel Board creates a new position classification, they shall then seek approval from the Select Board for the position classification. The Human Resources Director shall notify the department head of the decision and the effective date of any change.

Abolishment of Position(s)

A position may be abolished or the number of personnel reduced by the Town Manager for reasons of economy or for reasons of a reorganization within a department(s). If there is a reduction of positions, necessitating layoff of an employee(s), the procedures outlined in **Layoffs**, shall be followed.

COMPENSATION PLAN

All employees of the Town shall receive the rate of compensation as set forth in the Compensation Tables Employees shall be eligible for step increases on their anniversary date. Step increases are based on satisfactory performance (merit) and as such are not considered to be automatic nor based on length of service.

The standard hours of work for all Town employees shall be as follows:

Those employees occupying positions designated in as Management, Professional, Administrative, Clerical, and Technical, shall have a standard work week of 37 ½ hours.

Those employees occupying positions designated as Public Works, Police, Emergency Communications or Maintenance, shall have a standard work week of 40 hours.

Fire Department employees occupying positions designated as Fire shall be compensated based on a work week of 42 hours. All other Fire Department employees shall work 40 hours per week consistent with the varied work schedule.

Overtime

Compensation for hours worked in excess of the standard work week must be with prior approval and shall be as follows:

Clerical and technical employees whose hours of work are 37.5 per week and who are required to work in excess of 37.5 hours, shall, with the prior approval of the Department Head as outlined in **Compensatory Time**, receive compensatory time off or pay at straight time for all hours worked between 37.5 and 40. Clerical and technical employees who are required to work in excess of 40 hours a week shall be eligible for compensatory time off or pay at the rate of time and one-half (1.5) for all hours in excess of 40, with the prior approval of the Department Head.

Maintenance employees who are required to work in excess of forty hours per week shall, with the prior approval of the Department Head and the Town Manager, be eligible for compensatory time off at the rate of time and one half,

or to be paid at the rate of time and one half for all hours in excess of forty.

Public Works employees, not covered by a collective bargaining agreement, who work in excess of forty hours a week shall be paid at the rate of time and one half (1.5) for all hours in excess of forty, subject to the prior approval of the Department Head.

Employees covered by collective bargaining agreements shall abide by the provisions of their contract in regard to hours of work and overtime.

If an employee is called back to work prior to his/her next regular scheduled starting time after having completed his/her assigned work and left his/her place of employment, the employee shall be paid overtime pay as stated above for all work on recall. The employee will be guaranteed a minimum of three (3) hours pay at time and one half. This provision does not apply to Administrative, Professional and Management employees.

In addition to the aforementioned provisions, the provisions of the Fair Labor Standards Act apply to all employees that have not been exempted from the requirements of this act.

Compensatory Time

Employees may receive compensatory time for hours worked in excess of their normal work week. Compensatory time may be earned and/or used in the same week as leave time. The accumulation, use and administration shall be under the following guidelines:

Hours of Work

Management positions are scheduled for 37.5 hours per week but require whatever hours per week are necessary to fulfill job responsibilities. Management employees are expected to work up to 40 hours per week without accruing or requesting compensatory time. Professional and administrative positions are scheduled for hours as delineated in *Hours of Work*.

Employees may request compensatory time for hours worked within the following guidelines:

- No more than 30 hours may be accrued for compensatory time.
- No more than 30 hours (or 32 hours if scheduled work week is 40 hours) of compensatory time may be taken consecutively.
- Employees who are called back to work or who must attend an evening or weekend meeting, or other evening or weekend duty may consider such work to be a minimum of 2 hours for the purposes of this policy.

Employees will normally be granted compensatory time within the above guidelines upon request. Management employees should enter their request on the calendar in the Town Manager's office in the same manner as they do for vacation and other anticipated absences; all other employees should request compensatory time in a manner prescribed by their department head.

The Town Manager may grant compensatory time in excess of the above guidelines in specific cases such as a particularly prolonged period of excess hours required or a particularly large number of excess hours required in a short period of time.

Record keeping shall be accomplished by recording the compensatory time on the payroll sheets submitted to the Accounting Department.

Flexible Time

Department heads have authority to allow employees to work on a flexible schedule to meet individual concerns not inconsistent with the requirements of the department and within the following constraints:

- Offices are to remain open according to their usual schedule (from 8:00 a.m. to 4:30 p.m. for most offices).

- Flexible hours may not be used to accrue compensatory time: the hours represented by the flexible schedule must equal the employee's workweek each week.
- Overtime work, whether reimbursed by compensatory time or by overtime pay, must be required by the department's workload and must be authorized by the employee's supervisor in advance. In other words, overtime or compensatory is earned for what an employee is required to do in excess of the normal work week, not what he or she chooses to do.

The Town encourages employees to take their lunch break. An employee who chooses to eat lunch at his or her desk (if allowed by departmental rules) is not working through lunch. However, if on occasion, a supervisor requires an employee to remain at his/her workplace during his/her lunch hour and allows the employee to eat lunch there, the employee is considered to be working. Working through lunch is considered an exchange of time and is not eligible for overtime payment or compensatory time at time and one half.

Flexibility in employees' schedules is allowed at the department head or supervisor's discretion. Department heads and supervisors are not required to allow such flexibility.

Shift Differential

All permanent employees who are regularly assigned (not overtime hours) to work night shift (the hours between 3:00 p.m. and 7:00 a.m.) hours and/or who are regularly scheduled (not overtime hours) to work on Saturday or Sunday will receive a shift differential at the following rates of compensation:

FY06 50¢ per hour.

FY07 60¢ per hour

FY08 70¢ per hour

Working Out of Classification

Professional and administrative employees who are assigned temporary work in a higher classification for more than five (5) consecutive working days or for a total of more than twenty (20) working days in a fiscal year due to the absence of another employee, shall be paid the minimum rate of the higher classification (but no less than one (1) step above their regular rate) for those hours of such assignment which exceed the above number of days.

Professional and administrative employees who are assigned to temporary work in a higher classification due to a vacancy shall be paid the minimum rate of the higher classification (but no less than one (1) step above their regular rate) as of the date of assignment.

Temporary assignments with higher pay may be made only in situations when the work unit requires the designation or performance of an employee in the higher classification. Professional and administrative employees who have acting department head as a part of their position description are compensated for those duties on a regular basis and therefore are not considered working out of class when they are called upon to perform the duties for short term absences. However, when a professional or administrative employee becomes an acting department head due to long term absence, or vacancy, they shall be compensated for the added duties and responsibilities as defined above.

Longevity Compensation

After the completion of ten years of consecutive permanent employment, an employee shall be entitled to an annual longevity payment in addition to the employee's base salary. Such payment shall be paid on the first payday after the employee's anniversary date and shall be equal to the employee's 1/20th of the employee's biweekly pay multiplied by the number of years of accumulated permanent employment. Longevity payment for those positions classified at Level O and higher shall not exceed \$3,000 annually.

An employee whose employment is terminated after June 30, 1984 for a period exceeding ninety days and is subsequently re-employed shall not be given credit for longevity purposes for prior accumulated services.

The longevity payment for an employee who has been on an authorized leave of absence during the previous year

following a break in service of ninety (90) days or less, shall be reduced in proportion to the period of leave. An employee on an authorized leave of absence shall continue to accrue service time for longevity purposes during his or her leave.

Educational Incentive Plan

All regular, full-time sworn members of the Amherst Fire and Police Departments are eligible for the benefits of the Incentive Pay Plan as a reward for furthering their education at an accredited college or university in fields related to Police and Fire service work.

Eligible members of the Police Department shall be granted Incentive Pay in accordance with Mass. General Laws Chapter 41, Section 108L. The amount of salary received shall be treated as part of the employee's base salary only for the purpose of computing retirement contributions under the Hampshire County Retirement System.

Eligible members of the Fire Department shall receive Incentive Pay in accordance with their collective bargaining agreement. The administration of the Incentive Pay Plan will be the responsibility of the Town Manager or his/her designee. The amount of incentive pay shall be added to the employee's base salary only for the purpose of computing retirement contributions under the Hampshire County Retirement System.

Operations During Emergencies

The purpose of this policy is to establish guidelines for reporting to work and for early dismissal from work during hazardous weather conditions. The purposes of excusing non-essential employees from reporting to or remaining at work are to minimize the hazards to employees and citizens and to reduce the possibility that their vehicles will add to the problems faced by the Public Works, Police or Fire Departments.

During hazardous weather conditions the Town Manager may excuse from reporting to or remaining at work employees whose jobs are not required to maintain essential Town services. Department heads shall establish departmental policies and procedures for employees whose jobs are required to maintain essential Town services. No additional compensation or leave will be given to employees who work their regular schedule even if other employees are excused.

Should the Town Manager close down all but essential operations, excused employees will not be charged with leave. Supervisors should attempt to assign to non-essential employees work which can be done at home on such an occasion, this to the extent feasible and especially when hazardous weather is predicted. Non-essential employees are thus to be excused from reporting to work, but not from working on such assignments at home.

Should hazardous weather occur at night or during the work day, the Town Manager, Assistant Town Manager, and Finance Director or Director of Administration and Finance will inform department heads that administrative areas are being or will be closed. It is the responsibility of the department heads to develop rapid procedures to inform their employees that they are excused. Information will be made available to the media by the Town Manager's Office.

Management employees listed below are required to report to work or remain at work to answer telephone calls and assist citizens. Those employees must also provide for their telephones to be answered if they themselves are not available to do so:

Town Manager
Police Chief

Superintendent of Public Works
Fire Chief

The Library Director is responsible for procedures and decisions regarding the Jones Library and Branch libraries. In the event there are hazardous working conditions during non-working day hours, the Town Manager or any department head may direct that certain employees report for duty as conditions may require. Employees who anticipate that they may be needed in such a situation and who cannot be reached at their residence shall notify their supervisor where they can be reached.

In the event of a major emergency in which citizens' lives are in danger, or in the event of a major clean-up effort following a

major emergency, Town employees who are able to do so shall report to work for whatever duties are necessary to serve the citizens in need. Failure of personnel to report to work when needed may result in an appropriate charge against annual or sick leave or may result in disciplinary action if the supervisor can demonstrate that reasonable attempts to report to work have not been made.

BENEFITS, LEAVES AND ELIGIBILITY

Retirement System

All employees must belong to either the Hampshire County Retirement System or the Defined Contribution Plan for Part time, Temporary and Seasonal Employees.

Pursuant to Massachusetts General Laws Chapter 32, employees of the Town are eligible to be members of the Hampshire County Retirement System. The Hampshire County Retirement System is part of the statewide retirement system for state, county and municipal employees. Because it is a statewide system, employees do not have Federal Insurance Contributions Act (FICA or Social Security) deductions from their salary.

Membership in the system is mandatory for all employees who are employed in permanent benefited positions or who earn at least \$3,500 and work 130 days per year.

Retirement deductions are based on date of hire in the Retirement System. Deduction from regular (not overtime) compensation is based on the following schedule:

Hired prior to July 1, 1975, 5%	Hired July 1, 1975 to June 30, 1984, 7%
Hired July 1, 1984 to June 30, 1996, 7%	Hired after July 1, 1996, 9%

In addition, those employees hired after July 1, 1979 who earn in excess of \$30,000 annually will have deducted an additional 2% of regular compensation that exceeds \$30,000.

The Town's contribution to the Retirement System will be as assessed by the Hampshire County Retirement System.

Pursuant to the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), and Mass. General Law, all employees not covered by the Hampshire County Retirement System must become members of the Town's Defined Contribution Plan. Effective April 5, 1992, all employees will have a deduction of 7.5%.

Payroll deductions for the retirement plans are on a before tax basis and as such, taxes are deferred until the employee receives funds from the plan. At the time of retirement or termination, the employee is eligible to receive a pension or return of their contributions, depending upon their status in the system at the time of discontinuing employment with the Town. It is the responsibility of the employee to contact the Accounting Office prior to any change of their employment status. Forms for withdrawal of funds from either plan are available in the Accounting Office.

Medicare Tax

Although Town employees do not have FICA or Social Security deductions, Section 13205 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) mandates that deductions be made for Medicare from the salary of all governmental employees not covered under FICA.

All Town employees hired after March 31, 1986 must have deductions for the Medicare tax. This deduction is currently 1.45% of the employee's salary with the Town contributing an amount equal to the employee deductions.

Deferred Compensation

Massachusetts General Laws Chapter 44, Section 67 and Section 457 of the Internal Revenue Code authorize the establishment of deferred compensation plans by the Town for its employees. Participation in the deferred compensation plan(s) is voluntary and any employee is eligible to participate. Contact the Human Resources Department for additional information. Any employee wishing to participate in the deferred compensation plan should contact the Accounting

Department for plan descriptions and for enrollment forms.

Medical Insurance

All employees who work at least twenty (20) hours each week and occupy positions classified as permanent are eligible for medical insurance. Contact the Human Resources Department for a comparison of the plans currently offered to employees of the Town. Both individual and family coverage is available to employees.

If an eligible employee elects not to subscribe to the medical insurance coverage, they must sign a waiver indicating that they do not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, they must wait until the open enrollment period at the anniversary date of the policy (July 1st) and meet the requirements as set forth by the insurance carrier. Because of reporting requirements of the insurance carriers, an employee appointed to an eligible position prior to the tenth (10th) day of the month will begin coverage on the first (1st) day of the following month. Coverage will be delayed one additional month for those employees appointed to an eligible position after the tenth (10th) day of the month.

The Town shall contribute 75% of the premium for the indemnity carrier (presently Blue Cross Blue Shield) and the same dollar amount to any other insurance carriers. The employee shall contribute 25% of the premium for the indemnity carrier and the balance of the premium amount for any other insurance carrier. Deductions shall be made from the employee's pay on a biweekly basis.

It is the employee's responsibility to notify the Accounting Office of any change in status which would affect their insurance coverage (i.e., divorce, dependent child reaching 19 years of age, change in individual or family coverage, planned retirement or termination). Continued medical insurance coverage is available when an employee's status changes. Contact the Human Resources Department for detailed information on this benefit.

Pursuant to Massachusetts General Laws Chapter 32B, Section 3, an Insurance Advisory Committee has been established to act in an advisory capacity to the Town Manager and Superintendent of Schools with regard to group insurance coverage. Representation on the committee shall include no more than five (5) representatives from employee groups of the public and/or regional schools; one (1) representative from the police employees; one (1) representative from the fire employees; one (1) representative from the public works employees; one (1) representative from the SEIU/NAGE employees; and one (1) representative elected from the remaining Town employee groups.

Life Insurance

All employees who work at least twenty (20) hours each week and occupy positions classified as permanent are eligible for the basic \$2,000 life insurance coverage as well as the optional life insurance coverage based on annual salary. Contact the Human Resources Department for additional information.

At the time of appointment to a position that meets the above criteria, the employee must report to the Accounting Office to receive additional information and to complete the required paperwork. If an employee elects not to subscribe to the basic coverage, they must sign a waiver indicating that they do not wish to participate in this benefit. Should the employee wish to enroll in the plan at a later date, they must wait until the open enrollment period at the anniversary date of the policy (July 1) and meet the requirements as set forth by the insurance carrier.

Because of reporting requirements of the insurance carrier, an employee appointed to an eligible position prior to the tenth (10th) day of the month will begin coverage on the first (1st) day of the following month. Coverage will be delayed one additional month for those employees appointed to an eligible position after the tenth (10th) day of the month.

The Town shall contribute 75% of the premium for the basic coverage and the employee shall contribute 25% of the premium. Employees selecting the optional life insurance coverage shall pay the entire cost of that insurance. The maximum dollar amount of coverage will be based on the annual income of the employee.

Deductions shall be made from the employee's pay on a monthly basis for the basic and optional life insurance coverage.

Worker's Compensation

Pursuant to Massachusetts General Laws Chapter 152, all employees except uniformed police and fire employees are provided insurance protection to cover the loss of wages and designated expenses arising from employment-related injuries. Contact the Human Resources Department for more specific details and reporting requirements. It is both the responsibility of the injured employee and his/her supervisor or department head to immediately report an injury to the Compensation Agent.

The salary compensation under worker's compensation is calculated at 60% of the average weekly wage of the employee. If an employee has accumulated leave and requests to do so, the difference between the worker's compensation pay and their regular pay may be charged to accumulated sick, vacation or compensatory time leave so that the employee receives 100% of his/her weekly gross payroll. The employee may also elect only to receive the worker's compensation. No deductions are made from the worker's compensation check and therefore the employee must make arrangements for voluntary deductions such as health insurance.

Police-Fire Indemnification

All uniformed members of the Amherst Police and Fire Departments are provided insurance protection to cover the loss of wages and designated expenses arising from employment-related injuries pursuant to Massachusetts General Laws Chapter 41, Section 111F and Chapter 150E, Sections 7(d) and 7(e). Contact the Human Resources Department for more specific details and reporting requirements. Again, it is both the responsibility of the injured employee and his/her supervisor or department head to immediately report an injury to the Compensation Agent. Employees covered under the provisions of this section receive compensation at 100% of their regular rate of pay and are paid in the same manner as they would be paid were they not on indemnification.

Vacations

All employees occupying positions designated as permanent are eligible for vacation leave. Employees covered by collective bargaining agreements shall have vacation accumulation and usage as outlined in those agreements. Procedures for all other employees are listed below. Part-time employees occupying benefited positions shall receive vacation in ratio to their part-time employment.

Vacations shall be granted by department heads at such time as in their opinion will cause the least interference with the performance of the regular work of the Town. While the department head will consider the needs of the employee, the employee should not make the assumption that a vacation request will automatically be granted.

Probationary employees shall accrue vacation on a weekly basis but are not eligible to use vacation leave until the end of their probationary period. Probationary employees who are terminated for unsuccessful job performance shall not be compensated for accrued vacation.

Payment for accumulated vacation shall be made under the following conditions:

- upon the death of an employee, payment shall be made to the estate or heirs of the deceased employee for accrued but unused vacation;
- upon the resignation in good standing, retirement, entrance into the armed forces or layoff of an employee through no fault or delinquency of their own, payment shall be made for accrued but unused vacation.

An employee whose employment is terminated after June 30, 1984 for a period exceeding ninety days and is subsequently re-employed shall begin accruing vacation leave based on the date of reemployment. An employee who is on an authorized leave of absence shall not be credited with earned vacation leave during his/her leave but shall continue to accrue service time for vacation purposes.

An employee's vacation accumulation in excess of one year shall be permitted at the discretion of the Department Head. Any vacation accumulation in excess of two years shall be transferred to sick leave. For ease of record keeping, the effective date of the transfer of excess vacation accumulation will be December 31st of each year. Should an employee

leave employment, the amount of vacation accumulation in excess of two years will be transferred to Sick Leave and the final payment for vacation shall not exceed the amount equal to the accumulation allocated for two years of employment.

For those employees designated as professional, administrative and management, the following schedule shall be used with the earned vacation leave being credited biweekly and accumulated on an hourly basis:

- Less than 5 years of completed service, 15 working days annually.
- More than 5 years but less than 20 years of completed service, 20 working days annually.
- More than 20 years of completed service, 25 working days annually.

For those employees designated as supervisory, the following schedule shall be used with the earned vacation leave being credited biweekly and accumulated on an hourly basis:

- Less than 5 years of completed service, 10 working days annually.
- More than 5 years but less than 10 years of completed service, 15 working days annually.
- More than 10 years but less than 20 years of completed service, 20 working days annually.
- More than 20 years of completed service, 25 working days annually.

Sick Leave

All employees occupying positions designated as permanent are eligible for sick leave. Sick leave is to provide compensation to the employee for a bona fide illness or injury; abuse of this leave may subject the employee to disciplinary action, including dismissal. Employees covered by collective bargaining agreements shall have sick leave accumulation and usage as outlined in those agreements. Procedures for all other employees are listed below.

It is the responsibility of the employee to notify his/her department head or supervisor of the need to use sick leave. This notification should be made prior to the time the employee is to report to work or as soon as possible in the event of a serious accident or illness. Failure to notify the department head or supervisor may result in the employee not being allowed compensation for lost time due to the illness or injury.

Sick leave with pay is accumulated on an hourly basis and recorded biweekly. It is accumulated at the rate of 15 working days per year and may be accumulated without limit. Part-time employees occupying benefited positions shall accumulate sick leave in ratio to their part-time employment.

Probationary employees may use accumulated sick leave during their probationary period.

For the protection of the Town, the department head may require the presentation of a doctor's certificate in connection with a claim for sick leave. If such a certificate of hospital or doctor's records is not filed with the department head by the time specified for the filing of such certificate(s), the employee's absence shall not be chargeable to sick leave. At the discretion of the department head, subsequent certificates may be required before, or at the time, the employee returns to work. If it is deemed advisable, the department head may send a doctor to investigate any absence alleged to be caused by illness.

If the employee's absence due to illness exceeds the amount of accumulated sick leave the employee has, the absence may be charged to vacation at the discretion of the department head and with the approval of the employee.

An employee may use up to fifteen (15) days of accumulated sick leave per fiscal year for serious illness *or injury* of a member of the employee's immediate family. It is important that this usage be reported on the payroll forms as family sick leave usage in order to protect the employee's eligibility for participation in other programs such as Flexible Benefits. For the protection of the Town, the department head may require the presentation of a doctor's certificate in connection with a claim for family sick leave. If such a certificate of hospital or doctor's records is not filed with the department head by the time specified for the filing of such certificate(s), the employee's absence due to family illness shall not be chargeable to sick leave.

Employees who are injured on job and are receiving Worker's Compensation may request usage of accrued sick leave

to make up the difference between the amount received from Worker's Compensation and their regular gross salary as provided under the provisions of Chapter 152 of the Massachusetts General Laws. The total dollar value in work days shall be changed against sick leave credits accordingly.

For illness or injury meeting the requirements of the Federal Family and Medical Leave Act (FMLA), the employee shall request leave and the Human Resources Department will be notified of such need for leave. A letter will then be sent to the employee regarding their rights and responsibilities under the FMLA. All medical documentation regarding FMLA leave will be directed to the Human Resources Department and shall be kept in a file separate and apart from the employee's personnel file.

Sick Leave Buy Back

All permanent employees who terminate their employment with the Town for any reason other than unsatisfactory performance and who have completed ten full years of employment with the Town prior to their termination date, shall receive a single cash payment based on the following criteria for each day of accumulated sick leave.

Payment for accrued sick leave shall be based on the employee's utilization during his/her term of employment. Upon an employee's resignation in good standing, payment of accumulated sick leave will be based on the following schedule of average utilization:

<u>Average Annual Sick Leave Utilization</u>	<u>Payment Per Day of Unused Sick Leave</u>	<u>Maximum Payment</u>
up to 6 days	\$20	\$2,000
over 6, up to 10 days	10	1,000
more than 10 days	none	

Upon an employee's retirement, payment of accumulated sick leave will be based on the following schedule of average utilization:

<u>Average Annual Sick Leave Utilization</u>	<u>Payment Per Day of Unused Sick Leave</u>
up to 6 days	\$30
over 6, up to 10 days	20
more than 10 days	10

An additional payment of up to \$10 per day will be made for those employees who participate and annually certify such participation in the wellness program. To qualify for the wellness program, an employee must be a nonsmoker and annually certify that at least two of the following are within normal ranges as established by the National Institutes for Health: blood pressure, cholesterol level, and weight in relation to height. Except by waiver as voted by the Personnel Board, employees using an average of ten or more days of sick leave annually, shall not be eligible for this wellness payment.

Upon the death of an employee eligible for sick leave buy back, payment shall be made to the estate or heirs of the deceased employee for accrued sick leave. The payment will be based on past utilization and annual certification of participation in the wellness program.

The Town Manager may request that the Personnel Board waive any of the above requirements when an extenuating circumstance exists such as a catastrophic illness or accident.

Bereavement Leave

Employees will be allowed to take up to four (4) working days off with pay should a death occur within the immediate family. These days will be for the purpose of making arrangements, attending wakes, funerals and/or memorial services. For purposes of this section, immediate family shall be defined as the employee's spouse, parents, step parents,

grandparents, children, step children, grandchildren, brothers, sisters, mother-in-law, father-in-law and other actual members of the employee's household. One (1) day of bereavement leave will be allowed for the employee to attend the funeral or memorial service of an aunt, uncle, niece, nephew, brother-in-law, or sister-in-law.

Maternity Leave

Female employees shall be entitled to maternity leave. The leave shall begin at a time mutually agreed upon by the employee and the department head. Up to twelve (12) weeks of leave may be requested under the Family and Medical Leave Act for the birth or adoption of a child. The employee shall be entitled to four weeks of paid maternity leave for the purpose of childbearing. The employee may receive an additional four weeks of compensation by charging the additional four weeks to accumulated compensatory time, sick leave or vacation.

If the employee wishes to extend her leave for a period exceeding what is allowed above, she may request an unpaid leave of absence of up to one (1) year. This unpaid leave is subject to the approval of the Town Manager and the provisions of **Leave Without Pay**.

Paternity Leave

A male employee may request up to twelve (12) weeks of leave for the birth or adoption of a child under the Family and Medical Leave Act. The employee may charge up to four weeks paternity leave to accumulated compensatory time, sick leave or vacation. The leave shall begin at a time mutually agreed upon by the employee and the department head. If the employee wishes to extend his leave for a period exceeding what is allowed above, he may request an unpaid leave of absence of up to one (1) year. This unpaid leave is subject to the approval of the Town Manager and the provisions of **Leave Without Pay**.

Injury Leave

An employee who is incapacitated by a work-related injury not exceeding five (5) days shall be eligible to receive paid injury leave. Until a determination is made regarding the work relatedness of an injury, the employee's sick leave will be charged.

Military Leave

Employees of the Town shall be entitled to a leave of absence during the time of the employees' compulsory services in the armed forces of the Commonwealth or during compulsory annual tours of duty not exceeding seventeen days as provided in Chapter 33, Section 59 of the General Laws as members of reserve components of the armed forces of the United States. The employee shall receive his/her ordinary remuneration while on military leave. Employees shall also be entitled to the same leave of absence or vacation with pay given to other like employees.

Employees must present a copy of their military orders to their department head for inspection. Employees returning to Town service within 90 days after military discharge shall not lose seniority standing.

Personal Leave Days

An authorized period of absence from work, with pay, approved by the department head to enable an employee to take care of personal business. All permanent employees, with the exception of those covered by collective bargaining agreements, are eligible for a maximum of three (3) paid Personal Leave days during the fiscal year. The use of personal leave is a privilege, rather than a right. As such, an employee wishing to take a Personal Leave day shall request the leave from the department head at least 48 hours in advance except in emergencies. Employees may carry forward up to two (2) unused personal leave days into the next fiscal year for a total not to exceed five (5) days. Any days in excess of five (5) shall be forfeited.

Special Leave

Special leave may be granted for the observance of official religious obligations that are not recognized as a holiday by the Town. An employee wishing to take special leave shall submit a request to the department head at least 48 hours in advance of such leave.

Court Leave

Employees who are called for jury duty or summoned on behalf of the Town shall be granted court leave with pay. The employee must turn over to the Town any fees he/she receives for jury duty or witness fees when they are received by the employee while on court leave. The employee will then receive their regular rate of compensation.

The employee shall notify his/her department head of the court summons upon receipt of such summons. The department head may request a copy of the summons prior to granting the employee court leave. When an employee has been granted court leave it shall be considered an excused absence. The employee shall report to his/her official place of duty whenever said service will permit two or more consecutive hours of employment during the hours of his/her scheduled work period. The period of the excused absence shall include travel time as well as the time required to serve at the court.

Court leave without pay shall be granted when an employee is engaged in personal litigation having no connection with his/her position as an employee of the Town.

Union Leave

Employees who are members of recognized collective bargaining units shall be given leave with pay to participate in union functions as designated in their collective bargaining agreement.

Leave Without Pay

The Town Manager may grant a leave of absence without pay for a period of up to one (1) year in duration.

The Town Manager's granting of such a leave will be contingent upon whether a suitable temporary replacement is available and if the services of the Town will not suffer as a result of the granting of such leave. An employee wishing to take a leave of absence shall request such leave through his/her department head who will forward the request to the Town Manager along with the department head's recommendation on the granting of such leave.

Holidays

All employees who occupy positions that receive benefits shall receive the following days as holidays unless they are members of a recognized collective bargaining unit, in which case the holidays listed in the collective bargaining agreement shall prevail.

New Year's Day	Labor Day
Martin Luther King, Jr. Birthday	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	½ day before Christmas
	Christmas Day

If Christmas falls on Tuesday, employees will receive the full day on Monday.

If it is necessary for offices to remain open on the Friday after Thanksgiving or the ½ day before Christmas, a minimum staffing level will be maintained. Employees who are required to work will be granted a compensatory day off at a time mutually agreeable to the employee and the Department Head.

Employees will also be granted an additional holiday at a time between November 15 and January 31. This day must be taken during this period and at a time that is mutually agreed upon by the employee and the Department Head.

Employees who work a part-time schedule shall receive the holiday hours in the ratio to the number of hours they normally work per week. For example, employee X works twenty (20 hours) per week and would therefore receive four (4) hours of compensation for the holiday.

An employee who works a schedule different than the Monday through Friday work week shall be entitled to the same

number of holidays as employees working the Monday through Friday work week. For those employees who work a Monday through Friday work week, holidays which fall on Saturday will be observed on Friday; holidays which fall on Sunday will be observed on Monday. Holidays shall be observed on the day they actually occur for all other employees.

Payment for a holiday shall be made at the employee's regular rate of compensation. If a holiday occurs within an employee's vacation period, he/she will not be charged vacation leave for the holiday. If an employee is scheduled to work on a holiday, he/she shall be compensated at one and one-half (1.5) times his/her regular rate of pay for all hours worked on the holiday in addition to his/her regular rate of compensation. If an employee is scheduled to work Thanksgiving and/or Christmas, he/she shall be compensated at two (2) times his/her regular rate of pay for all hours worked on the holiday in addition to his/her regular rate of compensation. In no case shall this compensation be less than an amount equal to four (4) hours work at the above rate. Each time an employee is called back to work on the holiday, he/she shall be paid for no less than two (2) hours at the above rate.

Educational Assistance Program

Educational assistance is a benefit offered to those employees not covered by collective bargaining agreements who occupy positions which receive benefits. For those employees covered by collective bargaining agreements, educational assistance may be available as specified in the agreement.

The program is intended to provide financial assistance or release time for those employees who want to take educational courses which are related to their work and which are likely to increase their value to the Town. An employee wishing to participate in the program should discuss his/her request for educational assistance with his/her supervisor and/or department head. After this discussion, the department head should meet with the Human Resources Director to discuss the employee's request. The Human Resources Director will notify the department head of the decision regarding the request no later than two (2) working days following the meeting.

To apply for educational assistance, an employee must have been continuously employed by the Town for at least one year and must have a good employment record. If the employee has less than one year of service, he/she may be eligible to participate in the program provided his/her supervisor and/or department head certify that the course is needed for better performance on the current job.

The course must be an approved course taken from an accredited college, business school, trade school or correspondence school. With the approval of the Town Manager, the department head may grant either release time during working hours for the employee to attend class (es) or may grant payment for the tuition, books and laboratory fees required for the course.

Subject to budgetary considerations, the Town will pay charges required by a school up to \$250 per employee per fiscal year based on the following schedule: 0 - 4 years of service by the employee, 50% reimbursement; 5 years or more of service by the employee, 100% reimbursement. The Town will either pay the educational institution directly for approved courses or will reimburse the employee upon the employee submitting receipts or other evidence that he/she has paid for the expenses related to the course.

If an employee withdraws from the course(s) before completion, the employee shall reimburse the Town for that portion of the tuition assistance which is not reimbursable by the educational institution. An employee, who withdraws from the course before completion or does not successfully complete the course, shall be ineligible for participation in the program for two (2) full years.

To remain eligible for participation in the program, the employee must present some evidence to the Town Manager, or his/her designee, that they have performed satisfactorily in the approved course. The following are considered as evidence of such performance:

- In a vocational technical school, a statement from the instructor which indicates satisfactory completion of the course.
- A grade card or transcript from the educational institution indicating at least a grade of C must be obtained in all undergraduate college courses or business school courses.
- A grade card or transcript from the educational institution indicating at least a grade of B must be obtained in all

graduate college courses.

To keep the tuition payment, the employee must stay in the employment of the Town for at least one (1) year after completion of the course(s). If the employee leaves the service of the Town within one (1) year of completion of the course(s), the employee must refund the amount of the tuition payment to the Town.

The Town may periodically receive tuition waivers from the University of Massachusetts for sponsoring student interns. Normally, the tuition waiver(s) is used by the recipient department who sponsored the intern. However, if a tuition waiver is donated by the department to the educational assistance program, the waiver will be used to pay 100% of the tuition cost for eligible employees.

Flexible Benefits

In accordance with Chapter 416 of the Acts of 1984, and subject to budgetary considerations, all full-time and part-time employees with benefits, except those who are members of recognized collective bargaining units are eligible for the Flexible Benefits Plan.

Eligible employees may exchange sick leave and/or vacation not to exceed two (2) working days per fiscal year for reimbursement of expenses. Employees who participate in the Town's wellness program and are eligible for sick leave exchange may exchange one (1) additional sick day. Employees will be eligible for sick leave exchange under the Flexible Benefits Plan if they have used three (3) or less days of sick leave during the last twelve (12) months or have 100 days or more of accrued sick leave. All employees will be eligible for vacation exchange under the Flexible Benefits Plan.

The employee's eligible accrued sick leave and/or vacation shall be applied at their current rate for reimbursement of expenses. The employee has the option of selecting the provider for the services which are eligible for reimbursement under the Flexible Benefits Plan.

Eligible employees may also exchange sick leave at a ratio of three (3) sick leave days for every one (1) day of vacation leave not to exceed nine (9) sick leave days for three (3) vacation leave days per fiscal year. Employees participating in the Town wellness program who are eligible for sick leave exchange may also be eligible to exchange an additional six (6) sick leave days for two (2) vacation leave days. Employees will be eligible for sick leave exchange under this program if they have used five (5) days or less of sick leave during the last twelve (12) months or have at least fifty (50) days or more of accrued sick leave. This section does not preempt the benefits or procedures as outlined in Vacations.

The use the facilities at Amherst and Hampshire Colleges for the various LEAP sponsored activities is a privilege rather than a right. As such, employees must make every effort to abide by the guidelines established for the use of those facilities.

Employee Assistance Program

The Employee Assistance Program (EAP) is a resource for employees and/or their families to obtain assistance for a variety of problems and questions that affect personal happiness, family relations, success at work, individual's health, etc. The problems or questions do not need to be job related in order for the employee and/or members of the employee's family to contact the EAP. Call the EAP program at 413-585-1379 or contact the Human Resources Department

APPENDIX - POSITION TITLES BY LEVEL & COMPENSATION CHARTS

NON-UNION POSITION TITLES BY LEVEL MANAGEMENT POSITIONS: (FLSA EXEMPT)

Level K

Assessor
Asst. Information Technology Director
Building Commissioner
Collector
Health Director
Human Resources Director
Maintenance Director
Town Accountant
Town Clerk
Town Engineer

Level L

Comptroller
Conservation Director

Level M

Leisure Services & Supplemental
Education Director
Treasurer/Collector

Level N

Water Resources Director

Level O

Community Services Director
Information Technology Director
Library Director
Planning Director

Level P

Director of Administration & Finance
Finance Director/Treasurer
Fire Chief
Police Chief
Superintendent of Public Works

CONFIDENTIAL, ADMINISTRATIVE, PROFESSIONAL & SUPERVISORY POSITIONS:

Level G

Administrative Assistant
Crew Supervisor I
Financial Analyst

Level H

(ALL FLSA EXEMPT):
Assistant Collector
Assistant to Town Accountant
Assistant to Town Manager
Associate Planner
Professional Librarian I
Program Coordinator
Crew Supervisor II

Level I

(ALL FLSA EXEMPT):
Assistant Building Commissioner
Assistant Community Service Director
Assistant Library Director
Crew Supervisor III
Data Analyst
Division Supervisor
Golf Course Manager
Network Systems Analyst
Professional Librarian II
Program Director
Sanitarian
Senior Planner
Supervisor/Mechanic
Supervisor/Operator
Veterans Services Director

Level J

Division Director (FLSA EXEMPT)

S.E.I.U., LOCAL 888 (N.A.G.E.) POSITION TITLES BY LEVEL

Level A

Clerk/Receptionist
Library Assistant II
Parking Enforcement Officer

Level B

Building Maintenance Assistant
Audio Visual Specialist
Secretary I

Level C

Circulation Supervisor
Library Assistant III
Secretary II

Level D

Building Maintenance Supervisor
Customer Assistant I
Data Processing Assistant
Financial Assistant
Information Specialist
Library Specialist
Management Assistant

Level E

Cataloging Specialist
Management Assistant II

Level F

Administrative Assistant
Customer Assistant II
Emergency Dispatcher
Financial Personnel Specialist

Level G

Assistant to Superintendent of Public Works
Assistant Town Clerk
Assistant Treasurer
Financial Analyst
Program Assistant
Solid Waste/Recycling Coordinator

Level H

Building Inspector
Congregate Housing Coordinator
Electrical Inspector

A.F.S.C.M.E. POSITION TITLES BY LEVEL

Level 1

Laborer

Level 2

Laborer/Truck Driver
Meter Reader

Level 3

Maintenance Worker

Level 4

Equipment Operator
Laboratory Technician
Maintenance Worker II
Operator in Training

Level 5

Operator
Roadway Sign & Paint Technician
Tree Maintenance Worker

Level 6

Mechanic

Level 7

Treatment Operator II

FIREFIGHTERS LOCAL 1764 POSITION TITLES BY LEVEL

Level 1

Firefighter

Level 2

Captain (FLSA EXEMPT)

Level 3

Assistant Fire Chief (FLSA EXEMPT)

AMHERST POLICE LEAGUE POSITION TITLES BY LEVEL

Level 1

Patrol Officer

Level 2

Detective II

Level 3

Detective I

Level 4

Sergeant (FLSA EXEMPT)

Level 5

Lieutenant (FLSA EXEMPT)

Level 6

Captain (FLSA EXEMPT)

PART-TIME [WITHOUT BENEFITS] POSITION TITLES BY LEVEL

Level 1

Clerical Aide
Copy Assistant
Drivers
Laborer I
Library Clerk I
Recreation Assistant

Level 2

Laborer II
Library Clerk II
Recreation Leader I

Level 3

Conservation Area Caretaker
Custodial Assistant
Laborer III
Library Clerk III
Management Assistant
Parking Enforcement Officer
Recreation Supervisor
Secretary

Level 4

Planning/Engineering Aide
Recreation Coordinator

Level 5

Call Firefighter
Emergency Dispatcher
Program Director
Special Police Officer/Constable/Cell Monitors

Level 6

Librarian

Level 7

Technician

Level 8

Professional Assistant